

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

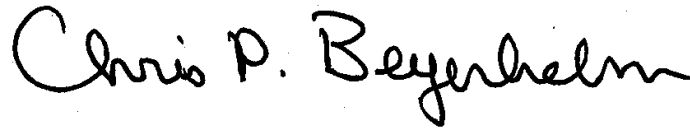
Notice FLP-675

For: FSA Offices

5-FLP,
RD Instruction 1956-B

**Using New FSA-2731, Cancellation of Debt Without Application, and FSA-2731A,
Cancellation of Debt Without Application (Continuation)**

Approved by: Deputy Administrator, Farm Loan Programs



1 Cancellling Debt Without Application

A Background

FSA-2731 and 2731A are being issued to replace RD-1956-1 for settlement of debts when a signed application is not required.

B Purpose

This notice provides FSA personnel updated procedures to cancel debts that do not require a signed application.

C State and County Office Action

FSA-2731 shall be used to cancel debts that do not require a signed application or to supplement the information on RD-1956-1 for any borrower who is not required to submit a signed application.

FSA-2731A may be used when an account has more than 4 borrowers.

Notes: Completed examples of FSA-2731 and FSA-2731A are included in Exhibit 1.

FSA-2731, with instructions, and FSA-2731A are available as fillable forms on the FFAS Employee Forms/Publications Online Website at
<http://fsaintranet.sc.egov.usda.gov/dam/ffasforms/forms.html>.

D Contact Information

If there are questions about this notice:

- County Offices shall contact the State Office
- State Offices shall contact Rick Stewart, LSPMD, at 202-720-1654.

Disposal Date

October 1, 2014

Distribution

All FSA Offices; State Offices relay to County Offices

2 Using FSA-2731 and FSA-2731A

A Authority

SED's may approve or reject:

- cancellations of accounts where all obligors are properly included on FSA-2731, or were previously released using FSA-2080, without regard to the size of the debt
- proposed debt settlements that require using RD-1956-1 (with or without FSA-2731) when the outstanding balance of the indebtedness involved in the settlement, less the amount of any compromise or adjustment offer, is less than \$1 million (including principal, interest, and other charges).

The Administrator, or designee, must approve or reject debt settlements that require using RD-1956-1 (with or without FSA-2731) when the outstanding balance of the indebtedness involved in the settlement, less the amount of any compromise or adjustment offer, is \$1 million or more (including principal, interest, and other charges).

When FSA-2731 is used with RD-1956-1, the settlement code for the account (3K transaction) will be for the settlement approved on RD-1956-1. Settlement of the debt will be approved on RD-1956-1.

B Effect on Current Handbook and Instructions

RD Instruction 1956-B, sections 1956.57(f) [County Committee], 1956.75 [Chargeoff] and 1956.84(a) [Approval Authority] are obsolete.

Note: Except as provided by this notice, RD Instruction 1956-B and 5-FLP, Part 24 and Exhibits 15, 16, and 36 remain in effect. Material in the referenced 5-FLP sites and reference to FSA-2731 will soon be relocated to 7-FLP. Material in RD Instruction 1956-B will be moved to 7-FLP after CFR is revised.

Completed Examples of FSA-2731, Cancellation of Debt Without Application, and FSA-2731A, Cancellation of Debt Without Application (Continuation)

A Example 1

In the following completed example of FSA-2731, the borrowers have been returned from cross-servicing and the co-borrower is liable for all debt.

This form is available electronically.					
FSA-2731 (05-22-14)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			Position 2
CANCELLATION OF DEBT WITHOUT APPLICATION					
1. Account No: 00-000-0000000000					
2. Debt Owed Agency as of (Date) (MM-DD-YYYY): 02-03-2014		3. Total Principal*: \$ 174,805.42		4. Total Interest*: \$ 36,731.48	
5. Total: \$ 211,536.90					
6. Primary Borrower Name or Co-Borrower Name	7. Fund Code and Loan Number	8. Principal *	9. Interest *	10. Total	11. Settlement Code 1/
6A. Joe Smith	45-01	6,431.05	1,225.63	7,656.68	01
	41-02	118,155.54	12,780.29	130,935.83	01
	44-04	5,394.01	351.46	5,745.47	01
	43-10	4,297.24	272.69	4,569.93	01
	44-17	40,527.58	22,101.41	62,628.99	01
6B. Mary Smith <input checked="" type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6C. <input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6D. <input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
1/ ENTER THE FOLLOWING CODE(S) AS APPLICABLE in Item 11 and attach supporting documentation: *01* – All debt returned from cross-servicing as uncollectible *02* – All debt returned from cross-servicing after paying compromise or adjustment offer *03* – Obligor has been discharged of the debt under Chapter 7 bankruptcy *04* – Obligor has been discharged of the debt under reorganization bankruptcy (Chapter 11, 12 or 13)* *05* – Obligor is deceased or defunct *06* – DOJ settlement negotiated in lieu of foreclosure or Judgment* *07* – DOJ – Civil Division settlement without application due to prior debt forgiveness with outstanding principal of \$100,000 or greater *08* – Cancellation of Judgment debt *09* – OGC has determined that the debt is legally without merit *10* – Partial debt settlement* *11* – Obligor signature cannot be obtained or has disappeared and it is not in the Agency's best financial interest to refer the account to cross-servicing *For partial cancellation, enter the loan(s) and balance(s) being cancelled. Enter the remaining loan(s) and balance(s) under "remarks"					

Completed Examples of FSA-2731, Cancellation of Debt Without Application, and FSA-2731A, Cancellation of Debt Without Application (Continuation) (Continued)

A Example 1 (Continued)

FSA-2731 (05-22-14)		Page 2 of 2	
	YES	NO	N/A
12. Have all obligors been listed on this form? If "NO", attach this form and supporting documentation to RD-1956-1(s) and/or attach FSA-2080(s) and supporting documentation to this form. Note: If RD-1956-1 is used, settlement of the account must be processed using the appropriate settlement code (3K transaction) for the type of settlement on RD-1956-1.	X		
13. Has the disposition of all FSA security identified on FSA-2028 been properly recorded on FSA-2045 or previous authorized form? If "NO", correct FSA-2045 or previous authorized form.	X		
14. Has the disposition of all real estate security described on the mortgage or deed of trust been properly accounted for in position 5 of the case file? If "NO", include required documentation in position 5 of the case file.	X		
15. Has the disposition of all other assets pledged as security, such as stocks, assignments of insurance policies and leaseholds, been properly accounted for in position 1 of the case file? If "NO", include documentation in position 1 of the case file.			X
16. Remarks			
17. An obligor: <input type="checkbox"/> has <input checked="" type="checkbox"/> has not received previous debt forgiveness. <input type="checkbox"/> If an obligor has received prior debt forgiveness, the requirements of 1956-B, Exhibit B have been met.			
REVIEW OFFICIAL'S CERTIFICATION			
<i>I have reviewed the case file and certify that documentation in the file supports the findings reported above. Based upon my review of the case file, each obligor meets the qualifications for the type of settlement code proposed.</i>			
18A. Review Official's Signature /s/ James Doe	18B. Review Official's Name James Doe	18C. Review Official's Title Farm Loan Manager	18D. Date (MM-DD-YYYY) 02-03-2014
RECOMMENDING OFFICIAL'S CERTIFICATION			
19. I Recommend: <input checked="" type="checkbox"/> Approval of this Debt Settlement <input type="checkbox"/> Rejection of this Debt Settlement			
20A. Recommending Official's Signature /s/ Bill Jones	20B. Recommending Official's Name Bill Jones	20C. Recommending Official's Title (FLC or Designee) Farm Loan Chief	20D. Date (MM-DD-YYYY) 02-12-2014
APPROVING OFFICIAL'S CERTIFICATION			
21. I Hereby: <input checked="" type="checkbox"/> Approve this Debt Settlement <input type="checkbox"/> Reject this Debt Settlement <input type="checkbox"/> See RD-1956-1 for Decision			
22A. State Executive Director's Signature /s/ Mary Brown	22B. State Executive Director's Name Mary Brown	22C. Date (MM-DD-YYYY) 02-14-2014	
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Completed Examples of FSA-2731, Cancellation of Debt Without Application, and FSA-2731A, Cancellation of Debt Without Application (Continuation) (Continued)

B Example 2

In the following completed examples of FSA-2731 and FSA-2731A, the borrower is an entity. The entity and all of the members of the entity, except 2, were discharged from Chapter 7 Bankruptcy. Of the 2 not discharged from bankruptcy, 1 member is deceased and 1 member resides in a nursing home and is incapacitated. In addition, 1 member was liable for only 1 loan.

This form is available electronically.					
FSA-2731 (05-22-14)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			Position 2
CANCELLATION OF DEBT WITHOUT APPLICATION					
1. Account No: 00-000-0000000000					
2. Debt Owed Agency as of (Date) (MM-DD-YYYY): 02-03-2014		3. Total Principal*: \$ 282,778.66		4. Total Interest*: \$ 631,013.87	
5. Total: \$ 313,792.53					
6. Primary Borrower Name or Co-Borrower Name	7. Fund Code and Loan Number	8. Principal *	9. Interest *	10. Total	11. Settlement Code 1/
6A. Doe Brother Farms	41-01	154,283.60	14,673.85	168,957.45	03
	44-02	68,396.46	4,013.21	72,409.67	03
	43-04	15,947.37	1,051.14	16,998.51	03
	29-08	44,151.23	11,275.67	55,426.90	03
6B. John Doe <input checked="" type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6C. Mary Doe <input type="checkbox"/> Same as 6A <input checked="" type="checkbox"/> Differences from 6A					05
6D. Bill Doe <input checked="" type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
1/ ENTER THE FOLLOWING CODE(S) AS APPLICABLE in item 11 and attach supporting documentation: "01" – All debt returned from cross-servicing as uncollectible "02" – All debt returned from cross-servicing after paying compromise or adjustment offer "03" – Obligor has been discharged of the debt under Chapter 7 bankruptcy "04" – Obligor has been discharged of the debt under reorganization bankruptcy (Chapter 11, 12 or 13)* "05" – Obligor is deceased or defunct "06" – DOJ settlement negotiated in lieu of foreclosure or Judgment* "07" – DOJ – Civil Division settlement without application due to prior debt forgiveness with outstanding principal of \$100,000 or greater "08" – Cancellation of Judgment debt "09" – OGC has determined that the debt is legally without merit "10" – Partial debt settlement* "11" – Obligor signature cannot be obtained or has disappeared and it is not in the Agency's best financial interest to refer the account to cross-servicing *For partial cancellation, enter the loan(s) and balance(s) being cancelled. Enter the remaining loan(s) and balance(s) under "remarks"					

Completed Examples of FSA-2731, Cancellation of Debt Without Application, and FSA-2731A, Cancellation of Debt Without Application (Continuation) (Continued)

B Example 2 (Continued)

FSA-2731 (05-22-14)		Page 2 of 2	
	YES	NO	N/A
12. Have all obligors been listed on this form? If "NO", attach this form and supporting documentation to RD-1956-1(s) and/or attach FSA-2080(s) and supporting documentation to this form. Note: If RD-1956-1 is used, settlement of the account must be processed using the appropriate settlement code (3K transaction) for the type of settlement on RD-1956-1.	X		
13. Has the disposition of all FSA security identified on FSA-2028 been properly recorded on FSA-2045 or previous authorized form? If "NO", correct FSA-2045 or previous authorized form.	X		
14. Has the disposition of all real estate security described on the mortgage or deed of trust been properly accounted for in position 5 of the case file? If "NO", include required documentation in position 5 of the case file.	X		
15. Has the disposition of all other assets pledged as security, such as stocks, assignments of insurance policies and leaseholds, been properly accounted for in position 1 of the case file? If "NO", include documentation in position 1 of the case file.			X
16. Remarks			
17. An obligor: <input type="checkbox"/> has <input checked="" type="checkbox"/> has not received previous debt forgiveness. <input type="checkbox"/> If an obligor has received prior debt forgiveness, the requirements of 1956-B, Exhibit B have been met.			
REVIEW OFFICIAL'S CERTIFICATION			
<i>I have reviewed the case file and certify that documentation in the file supports the findings reported above. Based upon my review of the case file, each obligor meets the qualifications for the type of settlement code proposed.</i>			
18A. Review Official's Signature /s/ Sue Jones	18B. Review Official's Name Sue Jones	18C. Review Official's Title Farm Loan Specialist	18D. Date (MM-DD-YYYY) 02-03-2014
RECOMMENDING OFFICIAL'S CERTIFICATION			
19. I Recommend: <input checked="" type="checkbox"/> Approval of this Debt Settlement <input type="checkbox"/> Rejection of this Debt Settlement			
20A. Recommending Official's Signature /s/ Tom Brown	20B. Recommending Official's Name Tom Brown	20C. Recommending Official's Title (FLC or Designee) Farm Loan Chief	20D. Date (MM-DD-YYYY) 02-12-2014
APPROVING OFFICIAL'S CERTIFICATION			
21. I Hereby: <input checked="" type="checkbox"/> Approve this Debt Settlement <input type="checkbox"/> Reject this Debt Settlement <input type="checkbox"/> See RD-1956-1 for Decision			
22A. State Executive Director's Signature /s/ Fred Smith	22B. State Executive Director's Name Fred Smith	22C. Date (MM-DD-YYYY) 02-14-2014	
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Completed Examples of FSA-2731, Cancellation of Debt Without Application, and FSA-2731A, Cancellation of Debt Without Application (Continuation) (Continued)

B Example 2 (Continued)

This form is available electronically.

FSA-2731A (05-22-14)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			Position 2
CANCELLATION OF DEBT WITHOUT APPLICATION (Continuation)					
1. Account No: 00-000-0000000000					
2. Debt Owed Agency as of (Date) (MM-DD-YYYY): 02-03-2014		3. Total Principal*: \$ 282,778.66		4. Total Interest*: \$ 31,013.87	
5. Total: \$ 313,792.53					
6. Primary Borrower Name or Co-Borrower Name	7. Fund Code and Loan Number	8. Principal *	9. Interest *	10. Total	11. Settlement Code 1/
6E. Jane Doe	29-08	44,151.23	11,275.67	55,426.90	03
<input type="checkbox"/> Same as 6A <input checked="" type="checkbox"/> Differences from 6A					
6F. Tom Doe					11
<input type="checkbox"/> Same as 6A <input checked="" type="checkbox"/> Differences from 6A					
6G. Betty Doe					
<input checked="" type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6H.					
<input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6I.					
<input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6J.					
<input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					

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Completed Examples of FSA-2731, Cancellation of Debt Without Application (Continued)

C Example 3

In the following completed example of FSA-2731, the primary borrower was discharged from Chapter 7 Bankruptcy. The co-borrower, who did not file bankruptcy, subsequently requested debt settlement and has submitted RD-1956-1.

This form is available electronically.					
FSA-2731 (05-22-14)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			Position 2
CANCELLATION OF DEBT WITHOUT APPLICATION					
1. Account No: 00-000-0000000000					
2. Debt Owed Agency as of (Date) (MM-DD-YYYY): 02-03-2014		3. Total Principal*: \$ 10,958.63		4. Total Interest*: \$ 1,327.04	
5. Total: \$ 12,285.67					
6. Primary Borrower Name or Co-Borrower Name	7. Fund Code and Loan Number	8. Principal *	9. Interest *	10. Total	11. Settlement Code 1/
6A. Joe Farmer	44-01	431.05	1,225.63	1,656.68	03
	44-02	10,527.58	101.41	10,628.99	03
6B. <input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6C. <input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
6D. <input type="checkbox"/> Same as 6A <input type="checkbox"/> Differences from 6A					
1/ ENTER THE FOLLOWING CODE(S) AS APPLICABLE in Item 11 and attach supporting documentation: *01* – All debt returned from cross-servicing as uncollectible *02* – All debt returned from cross-servicing after paying compromise or adjustment offer *03* – Obligor has been discharged of the debt under Chapter 7 bankruptcy *04* – Obligor has been discharged of the debt under reorganization bankruptcy (Chapter 11, 12 or 13)* *05* – Obligor is deceased or defunct *06* – DOJ settlement negotiated in lieu of foreclosure or Judgment* *07* – DOJ – Civil Division settlement without application due to prior debt forgiveness with outstanding principal of \$100,000 or greater *08* – Cancellation of Judgment debt *09* – OGC has determined that the debt is legally without merit *10* – Partial debt settlement* *11* – Obligor signature cannot be obtained or has disappeared and it is not in the Agency's best financial interest to refer the account to cross-servicing *For partial cancellation, enter the loan(s) and balance(s) being cancelled. Enter the remaining loan(s) and balance(s) under "remarks"					

Completed Examples of FSA-2731, Cancellation of Debt Without Application (Continued)

C Example 3 (Continued)

FSA-2731 (05-22-14)		Page 2 of 2	
	YES	NO	N/A
12. Have all obligors been listed on this form? If "NO", attach this form and supporting documentation to RD-1956-1(s) and/or attach FSA-2080(s) and supporting documentation to this form. Note: If RD-1956-1 is used, settlement of the account must be processed using the appropriate settlement code (3K transaction) for the type of settlement on RD-1956-1.		X	
13. Has the disposition of all FSA security identified on FSA-2028 been properly recorded on FSA-2045 or previous authorized form? If "NO", correct FSA-2045 or previous authorized form.	X		
14. Has the disposition of all real estate security described on the mortgage or deed of trust been properly accounted for in position 5 of the case file? If "NO", include required documentation in position 5 of the case file.			X
15. Has the disposition of all other assets pledged as security, such as stocks, assignments of insurance policies and leaseholds, been properly accounted for in position 1 of the case file? If "NO", include documentation in position 1 of the case file.			X
16. Remarks			
17. An obligor: <input type="checkbox"/> has <input checked="" type="checkbox"/> has not received previous debt forgiveness. <input type="checkbox"/> If an obligor has received prior debt forgiveness, the requirements of 1956-B, Exhibit B have been met.			
REVIEW OFFICIAL'S CERTIFICATION			
<i>I have reviewed the case file and certify that documentation in the file supports the findings reported above. Based upon my review of the case file, each obligor meets the qualifications for the type of settlement code proposed.</i>			
18A. Review Official's Signature /s/ Jerry Doe	18B. Review Official's Name Jerry Doe	18C. Review Official's Title Farm Loan Officer	18D. Date (MM-DD-YYYY) 01-03-2014
RECOMMENDING OFFICIAL'S CERTIFICATION			
19. I Recommend: <input checked="" type="checkbox"/> Approval of this Debt Settlement <input type="checkbox"/> Rejection of this Debt Settlement			
20A. Recommending Official's Signature /s/ Jane White	20B. Recommending Official's Name Jane White	20C. Recommending Official's Title (FLC or Designee) Farm Loan Chief	20D. Date (MM-DD-YYYY) 01-14-2014
APPROVING OFFICIAL'S CERTIFICATION			
21. I Hereby: <input type="checkbox"/> Approve this Debt Settlement <input type="checkbox"/> Reject this Debt Settlement <input checked="" type="checkbox"/> See RD-1956-1 for Decision			
22A. State Executive Director's Signature	22B. State Executive Director's Name	22C. Date (MM-DD-YYYY)	
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